

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

DENISE KAY REIMERS,

Plaintiff,

v.

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CIVIL NO. 1:16cv385

OPINION AND ORDER

This matter is before the court on the Commissioner's "Agreed Motion for Relief From Judgment", filed on June 6, 2018.

The background facts are as follows. On October 25, 2017, following briefing by the parties, the Court entered final judgment in favor of the Commissioner (DE 28). On December 24, 2017, Plaintiff filed a timely notice of appeal (DE 29; 7th Cir. No. 17-3654). On May 3, 2018, this Court indicated that it would grant relief from its judgment should the Court of Appeals remand for that purpose (DE 35). On May 4, 2018, the Court of Appeals remanded this case to this Court for further proceedings upon consideration of the parties' joint motion to remand and "[i]n light of the district court's indication of its willingness to vacate its judgment" (7th Cir. No. 17-3654).

Federal Rule of Civil Procedure 60(b)(6) allows the Court to relieve a party from a final judgment for "any . . . reason that justifies relief." Relief from the Court's judgment is now justified because both parties agree that this matter should be remanded to the Social Security Administration for further administrative proceedings. On remand, Plaintiff's claim will be sent to an administrative law judge (ALJ), who will offer Plaintiff the opportunity for a hearing, take any

further action needed to complete the administrative record and issue a new decision. The ALJ will reevaluate the medical and non-medical source opinions of record; reevaluate the claimant's subjective complaints; and reassess the claimant's mental and physical residual functional capacity and provide rationale for the assessed limitations. As necessary, the ALJ will obtain supplementary evidence from a vocational expert to clarify the effect of the assessed limitations on the claimant's occupational base, ensuring that such testimony is consistent with the Dictionary of Occupational Titles (Social Security Ruling 00-4p).

Accordingly, the motion for relief from judgment [DE 38] is hereby GRANTED and this Court's October 25, 2017 Opinion and Order is hereby VACATED.

The decision of the ALJ denying Plaintiff's application for benefits is hereby REMANDED for further proceedings as detailed in this Order.

SO ORDERED.

Entered: June 8, 2018.

s/ William C. Lee
William C. Lee, Judge
United States District Court